REMARKS/ARGUMENTS

1.)   Claim Amendments

The Applicant has amended claims 1-10 and 12-24; claims 11 and 25 have been canceled. The Applicant respectfully submits no new matter has been added. Accordingly, claims 1-10 and 12-24 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.)   Examiner Objections - Claims

Claims 21-24 were objected to because of informalities. The Applicant appreciates the Examiner's thorough review of the claims. The Applicant has amended the claims in order to correct the informalities. The Examiner's consideration of the amended claims is respectfully requested.

3.)   Claim Rejections – 35 U.S.C. § 112

Claim 1 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. The Applicant has accordingly amended Claim 1 to correct the insufficient antecedent basis. The Examiner's favorable reconsideration is earnestly requested.

4.)   Claim Rejections – 35 U.S.C. §101

The Examiner rejected claims 12-24 on the asserted basis that those claims are directed to non-statutory subject matter. In order to expedite the allowance of the pending claims, the Applicant has amended Claims 12-24 to now recite a "telecommunication charging system" within a telecommunication network system for dynamically determining a bandwidth availability over a particular wireless communication link and for enabling a charging server to apply a particular charging rate for a mobile client based on the determined bandwidth availability. The Applicant respectfully submits that independent Claims 12-24 are now directed to statutory

subject matter and the Examiner's withdrawal of the 35 U.S.C. 101 rejection is respectfully requested.

5.) Claim Rejections – 35 U.S.C. § 102(b)

Claims 1-10, and 12-24 stand rejected under 35 U.S.C. 102(b) as being anticipated by Mononen, *et al.* (US 2003/0229595). The Applicant respectfully traverses the Examiner's rejection and earnestly requests the Examiner's favorable reconsideration in view of the above amendments and the following remarks.

As fully disclosed in the present application, the present invention discloses and claims a charging system and method for allowing different charge rates to be applied on a particular data bit transfer session based on the bandwidth availability of a serving wireless communication link. In accordance with the teachings of the present invention, the bandwidth availability on a particular wireless communication link associated with a particular bit transfer session is dynamically determined. As illustrated in Fig. 1 of the present application, the physical condition of a wireless communication link changes continuously and its bandwidth availability for communicating data bits fluctuates accordingly. Accordingly, it would not be fair for the network provider to charge the same charging rate when the available bandwidth is fluctuated during a particular data bit transfer session. Therefore, the present invention first dynamically determines the bandwidth on the wireless communication link available to the bit transfer session for a particular mobile client. A charging logic as further recited in Claim 1, for example, then receives this bandwidth information and applies a particular charging rate for that mobile client based on the bandwidth availability.

The Applicant submits that this novel and unobvious invention is not anticipated or rendered obvious by the cited reference. More specifically, Mononen discloses a charging system which allows a roaming mobile station to gain access to a visiting radio access network without having to involve the mobile user's home network operator (para 1). In that regard, the access network operator offers a number of choices or alternatives to a visiting mobile user in order to negotiate or bargain for the service.

Such services can be categorized by type of services or quality of services (para 9). For example, in Mononen, the network operator may offer a CASE1 option for a first bit rate at a first payment rate for services and then may offer a CASE2 option for a second bit rate at a second payment rate for services, etc (para 51). The mobile user can then select one of the offered options and make a payment arrangement via a bank or credit card institution thereby eliminating the need to contact the user's home operator (para 46-47).

However, nothing in Mononen discloses or teaches the step of dynamically determining the bandwidth on the wireless communication link available to the bit transfer session for a particular mobile client. In Mononen, it just assumes that whatever bandwidth the network decides to offer to a mobile user, the access network will be able to provide the necessary QoS. However, as fully disclosed in the present application, the mobility of a mobile user (client), load on the air-interface, air-interface or shadowing, etc can have a number of negative impact on the available bandwidth of a wireless communication link. The present invention therefore dynamically measures the available bandwidth for a particular bit transfer session over an associated wireless communication link and communicates this information to a charging logic which then applies a particular charging rate for that mobile client over that data bit transfer session. As further recited in Claim 2, since such measurement and charging application are done dynamically, the charging logic receives such bandwidth information each time the bandwidth availability for that wireless link has changed and applies an appropriate charging rate for that mobile client.

Other than providing a user with a number of charging options prior to providing a network access and making payment arrangements in order to alleviate the need for a visiting mobile user to contact its home network, Mononen fails to anticipate or render obvious the above recited steps of dynamically determining the bandwidth availability for a particular data bit transfer session over a wireless communication link for a mobile client and enabling a charging logic to apply a different charging rate to that mobile client based on such bandwidth information. Accordingly, the Applicant respectfully submits that currently pending independent Claim 1 and its dependent claims are
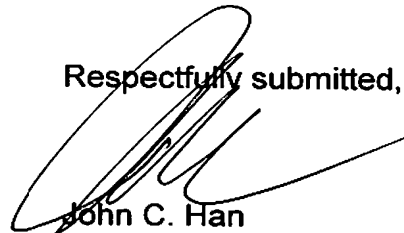
patentable over the cited reference. At least for similar reasons, the Applicant further submits that independent Claim 12 and its dependent claims are likewise in condition for allowance.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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